

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

DeVaughn Howell,

PLAINTIFF

v.

Captain Jordan Williams,
Sgt. Dustin Cragg,
Major Carol Holmes,
Captain Debo,

DEFENDANTS

Case No. 8:21-cv-03328-TLW

Order

Plaintiff DeVaughn Howell, proceeding *pro se*, filed this civil action alleging violations of his constitutional rights pursuant. ECF No. 1. The matter now comes before the Court for review of the Report and Recommendation (Report) filed by the magistrate judge to whom this case was assigned. ECF No. 29. In the Report, the magistrate judge recommends that Plaintiff's claims against Defendants in their official capacities be dismissed on the basis of Eleventh Amendment Immunity. *Id.* at 9. After the magistrate judge filed the Report, Plaintiff filed objections, ECF No. 31, reiterating his previous arguments outlined in the original Complaint, ECF No. 1. This matter is now ripe for decision.

In reviewing the Report, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However,

the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Hous. Auth. of City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

The Court has carefully reviewed the Report. For the reasons stated by the magistrate judge, the Report, ECF No. 29, is **ACCEPTED**. Plaintiff's claims against Defendants, in their official capacities only, are **DISMISSED**. Plaintiff's claims against Defendants in their individual capacities remain pending.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Senior United States District Judge

July 6, 2022
Columbia, South Carolina